

FIRST REGULAR SESSION

HOUSE BILL NO. 454

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KOENIG (Sponsor), CURTMAN, BROWN, KELLEY (127),
LOVE, LICHTENEGGER, WOOD, HIGDON AND SCHARNHORST (Co-sponsors).

0687L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 338.010, RSMo, and to enact in lieu thereof one new section relating to the
administration of vaccinations by pharmacists.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 338.010, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 338.010, to read as follows:

338.010. 1. The "practice of pharmacy" means:

2 **(1)** The interpretation, implementation, and evaluation of medical prescription orders,
3 including any legend drugs under 21 U.S.C. Section 353;

4 **(2)** Receipt, transmission, or handling of such orders or facilitating the dispensing of
5 such orders;

6 **(3)** The designing, initiating, implementing, and monitoring of a medication therapeutic
7 plan as defined by the prescription order so long as the prescription order is specific to each
8 patient for care by a pharmacist;

9 **(4)** The compounding, dispensing, labeling, and administration of drugs and devices
10 pursuant to medical prescription orders [and] ;

11 **(5) The administration of vaccines.** The administration of viral influenza, pneumonia,
12 shingles and meningitis vaccines **shall be** by written protocol authorized by a physician for
13 persons twelve years of age or older as authorized by rule or the administration of pneumonia,
14 shingles, and meningitis vaccines by written protocol authorized by a physician for a specific
15 patient as authorized by rule. **For the administration of all other vaccinations, a pharmacist**
16 **shall:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(a) Prior to administering any vaccine other than viral influenza, pneumonia,**
18 **shingles, and meningitis vaccine, complete appropriate training regarding**
19 **contraindications and adverse reactions for any such vaccine to be administered by the**
20 **pharmacist;**

21 **(b) Maintain records regarding the administration of such vaccines; and**

22 **(c) Provide timely notification of the administration of such vaccine to the**
23 **recipient's physician;**

24 **(6)** The participation in drug selection according to state law and participation in drug
25 utilization reviews;

26 **(7)** The proper and safe storage of drugs and devices and the maintenance of proper
27 records thereof;

28 **(8)** Consultation with patients and other health care practitioners, and veterinarians and
29 their clients about legend drugs, about the safe and effective use of drugs and devices; and

30 **(9)** The offering or performing of those acts, services, operations, or transactions
31 necessary in the conduct, operation, management and control of a pharmacy.

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33 No person shall engage in the practice of pharmacy unless he **or she** is licensed under the
34 provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary
35 personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of
36 his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her
37 responsibilities for compliance with this chapter and he or she will be responsible for the actions
38 of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed
39 to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry,
40 or veterinary medicine only for use in animals, or the practice of optometry in accordance with
41 and as provided in sections 195.070 and 336.220 in the compounding, administering,
42 prescribing, or dispensing of his or her own prescriptions.

43 2. Any pharmacist who accepts a prescription order for a medication therapeutic plan
44 shall have a written protocol from the physician who refers the patient for medication therapy
45 services. The written protocol and the prescription order for a medication therapeutic plan shall
46 come from the physician only, and shall not come from a nurse engaged in a collaborative
47 practice arrangement under section 334.104, or from a physician assistant engaged in a
48 supervision agreement under section 334.735.

49 3. Nothing in this section shall be construed as to prevent any person, firm or corporation
50 from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed
51 pharmacist is in charge of such pharmacy.

52 4. Nothing in this section shall be construed to apply to or interfere with the sale of
53 nonprescription drugs and the ordinary household remedies and such drugs or medicines as are
54 normally sold by those engaged in the sale of general merchandise.

55 5. No health carrier as defined in chapter 376 shall require any physician with which they
56 contract to enter into a written protocol with a pharmacist for medication therapeutic services.

57 6. This section shall not be construed to allow a pharmacist to diagnose or independently
58 prescribe pharmaceuticals.

59 7. The state board of registration for the healing arts, under section 334.125, and the state
60 board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of
61 protocols for prescription orders for medication therapy services and administration of viral
62 influenza vaccines. Such rules shall require protocols to include provisions allowing for timely
63 communication between the pharmacist and the referring physician, and any other patient
64 protection provisions deemed appropriate by both boards. In order to take effect, such rules shall
65 be approved by a majority vote of a quorum of each board. Neither board shall separately
66 promulgate rules regulating the use of protocols for prescription orders for medication therapy
67 services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term
68 is defined in section 536.010, that is created under the authority delegated in this section shall
69 become effective only if it complies with and is subject to all of the provisions of chapter 536
70 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
71 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
72 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
73 grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be
74 invalid and void.

75 8. The state board of pharmacy may grant a certificate of medication therapeutic plan
76 authority to a licensed pharmacist who submits proof of successful completion of a
77 board-approved course of academic clinical study beyond a bachelor of science in pharmacy,
78 including but not limited to clinical assessment skills, from a nationally accredited college or
79 university, or a certification of equivalence issued by a nationally recognized professional
80 organization and approved by the board of pharmacy.

81 9. Any pharmacist who has received a certificate of medication therapeutic plan authority
82 may engage in the designing, initiating, implementing, and monitoring of a medication
83 therapeutic plan as defined by a prescription order from a physician that is specific to each
84 patient for care by a pharmacist.

85 10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic
86 substitution of a pharmaceutical prescribed by a physician unless authorized by the written
87 protocol or the physician's prescription order.

88 11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary
89 medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or
90 an equivalent title means a person who has received a doctor's degree in veterinary medicine
91 from an accredited school of veterinary medicine or holds an Educational Commission for
92 Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical
93 Association (AVMA).

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